

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: OPTICAL DISK DRIVE PRODUCTS  
ANTITRUST LITIGATION

This Document Relates to:

ALL ACTIONS

Case No.: 3:10-md-02143-RS  
3:13-cv-03350-RS  
3:13-cv-01877-RS  
3:13-cv-02124-RS

MDL No. 2143

JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT

Date: October 11, 2013  
Time: 10:00 a.m.  
Courtroom: 3, 17<sup>th</sup> Floor  
Judge: Honorable Richard Seeborg

DATE ACTION FILED: Oct. 27, 2009

1 The parties jointly submit this Case Management Conference Statement, but as described  
 2 herein, have no issues that require the Court's attention at this time. Accordingly, the parties jointly  
 3 request that the Court remove the October 11, 2013 Case Management Conference from its calendar  
 4 and schedule the next Case Management Conference in January, 2014.

5 **A. Telephonic Appearance**

6 Pursuant to the Clerk's Notice (Dkt. No. 1014) of today, to the extent the Court wishes to  
 7 proceed with the October 11, 2013 Case Management Conference, all parties will appear  
 8 telephonically and will contact Court Conference at 866-582-6878.

9 **B. The Direct Purchaser and Indirect Purchaser Plaintiffs Consolidated Actions**

10 Direct Purchaser Plaintiffs

11 Direct Purchaser Plaintiffs ("DPPs") do not request the Court to take any action in their  
 12 matter at this time. DPPs take this opportunity to provide the Court with a status update as to the  
 13 proceedings with respect to their action.

14 DPP Settlements

15 On September 23, 2013 this Court granted Final Approval of Class Action Settlement with  
 16 Hitachi-LG Data Storage, Inc. and Hitachi-LG Data Storage Korea, Inc. ("HLDS") (Dkt. No. 1006)  
 17 and entered Final Judgments and Dismissals as to HLDS (Dkt. No. 1009), Hitachi (Dkt. No. 1007)  
 18 and the LG entities (Dkt. No. 1008).

19 On September 23, 2013, the DPPs filed their Motion for Preliminary Approval of Class  
 20 Action Settlement with Defendants Panasonic Corporation and Panasonic Corporation of North  
 21 America ("Panasonic") (Dkt. No. 1010). A hearing date for the Motion for Preliminary Approval of  
 22 the Panasonic Settlement is set for October 31, 2013.

23 DPP Class Certification

24 On May 29, 2013, the DPPs filed their Motion for Class Certification (Dkt. No. 878) with an  
 25 accompanying Expert Report of Gary L. French Ph.D. Regarding Class Certification. Defendants  
 26 will file their Opposition to Class Certification on October 21, 2013. DPPs will file their Reply in  
 27 Support of Class Certification on February 18, 2014. A date for a hearing on Class Certification has  
 28 not been set.

1           DPP Depositions

2           As of the date of this filing, four defendant merits depositions have occurred. (Dae Hwa  
3 “Bruce” Jeong (HLDS), Woo Jin “Eugene” Yang (HLDS), and J.C. Lim (PLDS) were deposed in  
4 San Francisco, and Schinichi Yamamura (Sony) was deposed in Hong Kong). Two additional  
5 depositions of TSSTK employees, Kenny Lee and Matthew Lee, are scheduled to occur on October  
6 14 and 16, 2013, respectively, in Seoul, Korea. Three additional depositions of QSI employees have  
7 been noticed by Plaintiffs, and dates are presently being worked out with defense counsel. Plaintiffs’  
8 counsel have been informed that both the TSSTK and QSI employees are expected to invoke their  
9 Fifth Amendment rights at the upcoming depositions. DPPs anticipate that several other merits  
10 depositions will occur in the coming months, as well as the depositions of defendants’ experts and  
11 declarants that oppose class certification.

12           All direct purchaser class representative depositions have been taken, as well as that of Dr.  
13 Gary L. French Ph. D.

14           Indirect Purchaser Plaintiffs

15           Indirect Purchaser Plaintiffs (“IPPs”) do not request the Court take any action in their matter  
16 at this time.

17           Defendants

18           The Defendants do not have any issues to raise with the Court at this time in connection with  
19 the Direct and Indirect Purchaser Plaintiffs’ actions.

20           **C.     *Aaron Wagner v. Pioneer North America, Inc., et al.*, Case No. 3:13-cv-02124-RS**

21           On May 8, 2013, shortly before filing their Motion for Class Certification, IPPs filed a  
22 separate class action complaint against Pioneer Corporation, Pioneer High Fidelity Taiwan Co., Ltd.,  
23 Pioneer North America, Inc., and Pioneer Electronics (USA) Inc. (together “Pioneer”), in *Wagner v.*  
24 *Pioneer North America, Inc., et al.*, Case No. 3:13-cv-2124-RS (the “Wagner Action”). On May 20,  
25 2013, this Court entered an Order deeming the separate *Wagner* Action related to this action and  
26 transferring the *Wagner* Action to this Court. Pursuant to this Court’s September 19, 2013 Order  
27 approving a stipulation between Pioneer and IPPs (ECF No. 998), and IPPs’ filing of the Fifth  
28 Amended Class Action Complaint (ECF No. 996), the *Wagner* Action was fully consolidated with,

1 and Pioneer became a party to, this action, except that Pioneer is not a party to IPPs' currently-  
 2 pending Motion for Class Certification. Pioneer and IPPs advanced the date of their Rule 26(f)  
 3 conference to August 23, 2013, exchanged initial disclosures on September 20, 2013 and have begun  
 4 taking discovery.

5 **D. *State of Florida v. Hitachi-LG Data Storage Inc., et al., Case No. 3:13-cv-01877-***  
 6 **RS**

7 Service

8 The State of Florida ("Florida") filed its Amended Complaint for Damages, Civil Penalties,  
 9 and Injunctive Relief ("Florida Complaint") on June 28, 2013. Florida is presently negotiating  
 10 stipulations regarding waiver of service of process of the Complaint with most of the Defendants.

11 All of the Defendants named in the Florida Complaint were also previously named in at least  
 12 one of Plaintiffs' separate complaints and have either been served, agreed to accept mailed copies of  
 13 the compliant(s) in lieu of formal service, or their counsel have agreed to accept service in those  
 14 actions. Florida will request that, for any foreign Defendant not agreeing to a waiver of service of  
 15 process, or some other agreed upon mechanism to effectuate service of the Florida Complaint, this  
 16 Court order counsel for such foreign Defendant to accept such service, which Florida believes is  
 17 permitted under Fed. R. Civ. P. 4(f)(3). *See In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. M 07-  
 18 1827 SI, 2010 WL 133743 at \*2-\*3 (N.D. Cal. April 2, 2010); *In re TFT-LCD (Flat Panel)*  
 19 *Securities Litig.*, No. M 07-1827 SI, 2008 WL 4963035 at \*3 (N.D. Cal. Nov. 19, 2008); *In re LDK*  
 20 *Solar Antitrust Litig.*, No. C 07-05182 WHA, 2008 WL 2415186 at \*2-\*4 (N.D. Cal. June 12, 2008).

21 Consolidation of the Florida Action with the Indirect Purchaser Actions

22 Once service is completed, Florida will request that the Defendants enter into a stipulation  
 23 that the Florida matter be fully consolidated with the Indirect Purchaser Actions for all pretrial and  
 24 trial purposes.

25 Pro Hac Vice/Local Counsel Requirement

26 This Court previously denied without prejudice the *pro hac vice* application of Lizabeth A.  
 27 Brady (counsel for Florida) and Florida's request for waiver of the local co-counsel requirement.  
 28 *See Order Re Request for Waiver From Local Counsel Requirement ("Order"), State of Florida v.*

1 *Hitachi-LG Data Storage, Inc., et al.*, No. 13-cv-1877 (N.D. Cal. May 28, 2013) (Dkt. # 7).

2 Although denied, the Court permitted Florida's counsel to appear and participate in this Case  
3 Management Conference without local counsel to take up the issue again with the Court. *See id.* at  
4 2, lines 3-5.

5 The reasoning of the Order appeared based, at least in part, upon the lack of consolidation of  
6 the Florida case with the MDL. *See id.* at 1, lines 18-20. Given that Florida intends to request full  
7 consolidation into the ODD action, Florida renews its request for admission *pro hac vice*, and waiver  
8 of the local co-counsel requirement.

9 **E. *Dell Inc. and Dell Products L.P. v. Hitachi-LG Data Storage Inc., et al.*, Case No.**  
10 **3:13-cv-03350-RS**

11 Service

12 Dell Inc. and Dell Products L.P. ("Dell") filed its Complaint on May 13, 2013 in United  
13 States District Court for the Western District of Texas. *See Dell v. Hitachi-LG Data Storage Inc., et*  
14 *al.*, No. 3:13-cv-03350-RS, Dkt. #1. On July 16, 2013, Dell's case was transferred to this Court for  
15 consolidation with MDL No. 2143, In re Optical Disk Drive Antitrust Litigation by the Judicial  
16 Panel for Multidistrict Litigation. *Id.* at Dkt. #18. Dell and the Dell Defendants have negotiated  
17 stipulations regarding service of process. Per stipulation and this Court's order, the following  
18 defendants shall have until Friday, November 22, 2013 to file a response to Dell's Complaint:  
19 Hitachi-LG Data Storage, Inc., Hitachi-LG Data Storage Korea, Inc., Koninklijke Philips N.V.,  
20 Lite-On IT Corp. of Taiwan, Philips & Lite-On Digital Solutions Corp., Philips & Lite-On Digital  
21 Solutions U.S.A., Inc., BenQ Corporation, BenQ America Corp., Toshiba Corporation, Toshiba  
22 America Information Systems, Inc., Toshiba Samsung Storage Technology Corp., Toshiba Samsung  
23 Storage Technology Korea Corp., Samsung Electronics Co. Ltd. ("Samsung"), Samsung Electronics  
24 America, Inc., and NEC Corporation. (Dkt. #993).

25 Per stipulation and this Court's order, Defendant Hitachi, Ltd. has until Monday, December  
26 9, 2013 to file its response to Dell's Complaint. (Dkt. #994).

27 Per stipulation and this Court's order, Defendants Sony Corporation, Sony Optiarc Inc.,  
28 Sony Optiarc America Inc. and Sony Electronics, Inc. shall have until Wednesday, December 11,

2013 to file their responses to Dell's Complaint. (Dkt. #995).

Consolidation

On July 16, 2013, *Dell Inc. and Dell Products L.P. v. Hitachi-LG Data Storage Inc., et al.*, Case No. 1:13-cv-0393 (W.D. Tex.) was transferred to MDL No. 2143, *In re: Optical Disk Drive Products Antitrust Litigation* in the Northern District of California by the Judicial Panel on Multidistrict Litigation for "consolidated pretrial processing pursuant to 28 U.S.C. § 1407." *See Dell Inc. and Dell Products L.P. v. Hitachi-LG Data Storage Inc., et al.*, No. 3:13-cv-03350, Dkt. #18; *In re Optical Disk Drive Antitrust Litigation*, 3:10-md-2143, Dkt. #1.

Depositions

Dell has attended and participated in the depositions of Woo Jin "Eugene" Yang of HLDS and J.C. Lim of PLDS in San Francisco, and Schinichi Yamamura of Sony in Hong Kong. Dell will attend and participate in the currently scheduled depositions of two TSSTK employees, Kenny Lee and Matthew Lee, respectively scheduled on October 14 and 16, 2013 in Seoul, Korea.

DATED: October 4, 2013

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**CERTIFICATE OF SERVICE**

I, Rodney J. Ganske, hereby certify that on October 4, 2013, I caused the foregoing document to be filed electronically with the United States District Court for the Northern District of California through the Court's mandated ECF service. Counsel of record are required to be registered e-filers, and as such are automatically e-served with a copy of the document(s) upon confirmation of e-filing.

/s/ Rodney J. Ganske